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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/394,474    09/11/99    WRIGHT

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QM02/0403

KOHN & ASSOCIATES  
30500 NORTHWESTERN HWY  
SUITE 410  
FARMINGTON HILLS MI 48334

EXAMINER

FETSUGA, R

ART UNIT

PAPER NUMBER

3751

DATE MAILED:

04/03/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/394,474**

Applicant(s)  
**Wright et al.**

Examiner  
**Robert M. Fetsuga**

Group Art Unit  
**3751**



☒ Responsive to communication(s) filed on Feb 16, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 5-8, 10, 12, 13, 16, and 17 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 5-8, 10, 12, 13, 16, and 17 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3751

1. The declaration filed February 16, 2001 is defective. A new declaration in compliance with 37 C.F.R. § 1.67(a) identifying this application by its Serial Number and filing date is required. See M.P.E.P. §§ 602.01 and 602.02.

The declaration is defective because:

At the time of signing, the application had been amended twice, but such is not reflected therein.

2. The disclosure is objected to because of the following informalities: The drawing figures should include feature designating numerals referenced in the specification. ~~This objection was not addressed in the previous response.~~ Appropriate correction is required. This objection was not addressed in the response filed February 16, 2001.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 C.F.R. § 1.75(d)(1) and M.P.E.P. § 608.01(o). Correction of the following is required: Proper antecedent basis for the new terminology set forth in claims 5-8, 10, 12, 13, 16 and 17 could not be found in the specification. Applicant argues at page 4 of the response filed February 16, 2001 "there is sufficient support in the specification for the claims as currently pending." However, the outstanding objection is not based upon lack of support, but rather, inconsistent terminology. Such is

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particularly important when considering "means-plus-function" terms which must be construed in light of the specification.

4. Claims 12, 13 and 17 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Re claim 12, no reference could be found in the original specification concerning a "single, disposable sealed system". Re claim 13, no reference could be found in the original specification concerning the system being "recyclable". Re claim 17, no reference could be found in the original specification concerning a "rigid" cartridge top. Applicant has not pointed to any disclosure in support of any of these claims, as required. Accordingly, the noted subject matter of claims 12, 13 and 17 is considered to be new matter.

5. Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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The claim recites the base unit being "operatively connected" to the cartridge unit. Implementation of such subject matter is neither disclosed nor evident to the examiner.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 5-8, 10, 12, 13, 16 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rockett et al.

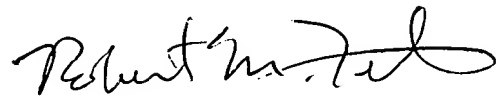
The Rockett et al. (Rockett) reference discloses a mat comprising: a cartridge unit including moisture absorbing means 12; a cartridge top 10; barrier means 14; a base unit 26 including skid resistant means 30, as claimed. Since the cartridge top of Rockett is made of nylon (col. 3 ln. 56), it is also considered to be "rigid" in the same sense as with applicant's cartridge top (note claim 6). Re claims 12 and 13, the Rockett mat would appear to exhibit the claimed features in the same sense as with applicant's mat.

8. Applicant's remarks have been fully considered and either have been previously addressed or are not deemed persuasive in view of the prior art as specifically applied in light of the level of skill in the pertinent art.

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9. Applicant is referred to MPEP 714.02 if a response to this Office action is filed.

10. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number (703) 308-1506.



ROBERT M. FETSUGA  
PRIMARY EXAMINER  
ART UNIT 3751

rmf  
April 2, 2001